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IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

OSCAR SYKES AND LORETTA SYKES
Complainants

IN EQUITY
CASE NO. 4864

VS.

MID-STATE HOMES, INC. AND
JIM WALTER CORPORATION,
Respondents

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Shelby Cnty Judge of Probate, AL
03/02/1972 12:00:00 AM FILED/CERT

FINAL DECREE

This cause coming on to be heard ore tenus before the Court on the Bill of Complaint as amended and the Respondent's answer to the Bill of Complaint, as last amended, and the exhibits and testimony as noted by the Register and the Court understands the same.

It is the judgment of the Court, from the evidence and finding of fact in this case, that the Complainants are entitled to the following relief as prayed for in their Bill of Complaint and Bill of Complaint as amended.

1. That the Jim Walter Corporation has no right, title or interest in this lawsuit by reason of the said Jim Walter Corporation having heretofore assigned to Mid-State Homes, Inc. all of its right, title and interest in and to the mortgage executed by the Complainants in favor of the Jim Walter Corporation recorded in the office of the Probate Judge, Shelby County, Alabama, in Mortgage Record Book 279, at Page 236 and 237; and said mortgage assignment being recorded in the office of the Probate Judge, Shelby County, Alabama, in Deed Record Book 222, at Page 515.

2. That the Complainants were not in default of the mortgage herein described at the time Respondent, Mid-State Homes, Inc. began foreclosure negotiations and proceedings in this case or that said Respondent, Mid-State Homes, Inc. had by its conduct and action relative to the business of servicing the mortgage



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in question waived the privilege or lawful right to foreclosure said mortgage at said time and date.

3. That the total outstanding indebtedness due from the Complainants to Mid-State HOMes, Inc. is in the amount of Twenty-One Hundred and Eighty-Seven Dollars and Eighty-Eight Cents (\$2,187.88) and the monthly payment date, as recited in the mortgage, is the 5th day of each month in the amount of Forty-four Dollars and Twenty Cents (\$44.20) and the same sum on the 5th day of each successive month until the principal balance, as herein recited, is paid in full.

g.H.B. 4. That the mortgage foreclosure proceedings including the mortgage deed recorded in the office of the Probate Judge, Shelby County, Alabama, in Deed Book 268, at Page 834, should be cancelled and held for naught.

5. That the original mortgage executed by the Complainants to Jim Walter Corporation and subsequently duly assigned to Mid-State HOMes, Inc. should be reinstated in full legal force and effect and the Complainants should begin making payments in the sum of Forty-four Dollars and Twenty Cents a month thereon beginning April 5, 1972.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, By the Court, as follows:

1. That Respondent, Jim Walter Corporation, has no right, title or interest in that one certain mortgage executed by the Complainants in favor of Jim Walter Corporation, dated September 5, 1962, and recorded in the office of the Probate Judge, Shelby County, Alabama, in Mortgage Record Book 279, at Pages 236 and 237.

2. That the Complainants were not in default at the time and date the Respondent began mortgage foreclosure and that Respondent Mid-State HOMes, Inc. foreclosure proceedings, including that one certain foreclosure deed as recorded in the office of the Probate Judge, Shelby County, Alabama, in Mortgage Record Book 268, at Page 834, is hereby cancelled and held for naught.

3. That the Respondent's unpaid principal balance on the mortgage duly assigned to the Respondent, Mid-State Homes, Inc. is in the amount of Twenty-one Hundred and Eighty-seven Dollars and Eighty-eight Cents (\$2,187.88) and said mortgage is hereby reinstated in full legal force and effect under all of its terms, covenants and conditions and payments thereon by the Complainants to the Respondent, Mid-State Homes, Inc. shall begin on the 5th day of April, 1972.

4. The Circuit Court Register is ordered to cause a copy of this decree to be recorded in the office of the Judge of Probate, Shelby County, Alabama, and the charges therefor shall be made a part of the court cost in this case.

The Circuit Court Registered is further ordered to forward a copy of this decree by United States Mail, with proper postage affixed thereto, to:

Honorable James H. Faulkner
Attorney at Law
Montevallo, Alabama 35115

Honorable R.A. Norred
Attorney at Law
2121 Eight Avenue North
Birmingham, Alabama 35203

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The Court cost is taxed, in this case, against the Respondent, Mid-State Homes, Inc. for which execution may issue.

Done in Chambers this the 2 day of March 1972.

James H. Sharbutt

CIRCUIT JUDGE

FILED IN OFFICE, This the 2 day
of March 1972

Kyle Langford

Register Circuit Court of
Shelby County, Alabama